

REMARKS

In view of the preceding amendments and the following comments, and pursuant to 37 C.F.R. § 1.116, Assignee respectfully requests reconsideration of the Final Office Action mailed May 13, 2008 ("Office Action").

Summary

The Office Action provided grounds for rejection of claims 1-10 and 21-25. Assignee has amended claims 8, 21, 22 and 23. No new matter has been added. The Assignee respectfully requests reconsideration of pending claims 1-10 and 21-25, and allowance of the present application in view of the amendments and following remarks.

I. Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 8, 21, 22 and 23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Assignee regards as the invention. In view of the amendments to claims 8, 21, 22 and 23, and the following remarks, the rejections under 35 U.S.C. § 112, second paragraph are respectfully traversed.

Claim 8, as amended, recites "at least one of the plurality of participants represents a customer that owns a plurality of businesses." The Application, at least at ¶ 0091, indicates "targeting an individual for his personal auto/home policies as well as his small business policies." The Application, at least at ¶ 0100, describes a customer referred to as a "parent company called 'Business Inc.,' which is made up of two distinct business entities."

Claim 21, as amended, recites "a first set of businesses and a second set of businesses, respectively, wherein the at least one participant having a plurality of insurance policies has a plurality of businesses including the first set of businesses." Claim 22, as amended, recites "the plurality of insurance policies of the one participant having a plurality of insurance policies does not include a policy for the first set of businesses." Claim 23, as amended, recites "identifying at least one of the plurality of participants assigned to the first account as a former participant of a second account, wherein the former participant of the second account is no longer assigned to the

second account, and wherein the former participant of the second account has the second set of businesses.” In other words, ownership of a set of businesses is independent of the status of the owner as a former participant.

II. Rejections Under 35 U.S.C. § 132(a)

The Office Action objected to claims 1 and 6, asserting that the amendment filed on March 7, 2008 introduced new matter into the disclosure. The Office Action asserts that the feature “assigning at least one of a plurality of participants also to a second account” added to claims 1 and 6 is neither taught by the previous claims nor the specification. The Assignee respectfully disagrees and submits that the Application, at least at ¶ 0114, provides support for the feature and recites:

[0114] The first (account) tier of Account provides another function according to the present invention that was not previously available to an insurer. This new function includes the ability to group accounts together to capture the recursive relationships derived from complex business structures, such as joint ventures, in which there are shared offerings. This grouping functionality enables the insurer to create accounts that reflect the complex business structures of some customers. For example, if a joint venture exists between two companies (called Yellow and Blue), an account called Green, which is made up Yellow and Blue, can be created. However, the insurer may already have separate accounts set up for Yellow and for Blue. As a result, the insurer will want to be able to create one master account (an account group), Green, which will be a grouping of the two already-existing Yellow and Blue accounts. This is done using the account entity and the account group entities in the account entity class (see FIG. 3, reference numbers 302, 304 and 210, respectively), as previously described. Because this joint venture relationship is captured under an account group, the members of the joint venture now may hold a common policy. The ability to organize the members of a joint venture under a single account, under which the members may have common policies that are separate from their respective individual policies, is a unique feature of the accounts in of the present invention.

The Application, at ¶ 0114, indicates that the “grouping functionality enables the insurer to create accounts that reflect the complex business structures of some customers” and “capture the recursive relationships derived from complex business structures.” The Application, at ¶ 0095, indicates that the insurer has “the flexibility to define participants in many different capacities.” The Application, at ¶ 0114, describes

assigning a participant (e.g., Yellow) of a first account (e.g., Yellow account) to a second account (e.g., Green account) while maintaining both accounts. The Application clearly describes organizing members of a joint venture under a second account (e.g., Green account) who continue to be members of their respective first accounts (e.g., Yellow and Blue accounts) so that the members of the second account may have common policies that are separate from their respective individual policies corresponding to their respective first accounts. Therefore, this amendment is described in the specification and this rejection should be withdrawn.

III. Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1-10 and 21-22 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hele et al. (U.S. 2002/0111835 A1) in view of University of Arizona (2001) in further view of Heise et al. (U.S. 2003/0074229 A1). The Office Action rejected claims 23 and 24 under U.S.C. §103(a) as being unpatentable over Hele in view of University of Arizona in further view of Heise in further view of Perusse (1998).

Claims 1-5 and 25

Independent claim 1 recites "assigning each participant of the plurality of participants to a first account" and "assigning at least one of the plurality of participants also to a second account." Claim 1 further recites "providing an account level underwriting decision at an account level based upon data related to the plurality of participants assigned to the first account; and displaying data related to the account level underwriting decision." The Application, at ¶¶ 0004 and 0092, describes "a data structure that defines accounts and relates customers to accounts (an 'account data structure') so that the accounts include a group of related customers (customers that are included in an account may be referred to as 'participants')". The Application, at ¶¶ 0138 and Figures 30, indicates that an underwriting decision is determined at an account level based upon data related to a plurality of participants.

The Office Action asserts that Hele in combination with Heise, the Hele-Heise combination, discloses all the features of claim 1. However, the Hele-Heise

combination does not teach or suggest assigning a plurality of participants to a first account and assigning at least one of the plurality of participants also to a second account. Instead, Hele is directed to a method, software and system for underwriting life insurance based on a single user profile. Hele, at ¶¶ 0005 and 0046, describes pricing a life insurance policy for a user as a function dependent on an individual user profile. The Office Action concedes that Hele does not explicitly disclose assigning a plurality of participants to an account. The Office Action asserts that Heise teaches assigning a plurality of participants to an account. However, Heise fails to fill the gap left by Hele. Instead, Heise is directed to a system and method for navigating a user through features of a plan design, implementation and administration. Heise, at ¶¶ 0010 and 0043, describes "a participant account" and indicates that "an employer who is sponsoring a non-qualified benefit plan would utilize a Plan Sponsor account (STEP 510), while an individual employee participating in a nonqualified benefit plan would utilize a Participant account." In other words, Heise describes a plan sponsor account for an employer and a participant account for an individual employee. Heise, at ¶ 0023, indicates that a "plan designer may customize the grouping of participants within a plan." However, nowhere does Heise teach or suggest that a plan or a grouping of participants is an account, let alone assigning a plurality of participants to an account. Heise clearly distinguishes an account from a plan.

In further contrast to claim 1, neither Hele nor Heise, alone or in combination express even the slightest notion of "assigning at least one of the plurality of participants also to a second account." The Office Action asserts that the University of Arizona teaches assigning at least one of the plurality of participants also to a second account. The University of Arizona describes enrolling employees into plans. Nowhere does the University of Arizona teach or suggest assigning participants to a second account and nowhere does the University of Arizona teach or suggest that a plan is an account as claimed. Thus, Hele and Heise, alone or in combination with the University of Arizona cannot be read to teach or suggest "assigning at least one of the plurality of participants also to a second account" and "providing an account level underwriting decision at an account level based upon data related to the plurality of participants assigned to a first

account.” Therefore, independent claim 1 and claims 2-5, which depend from claim 1, are patentable over the combination of references.

Claim 2, which depends from claim 1, recites “providing a participant level underwriting decision for each participant separately based upon data related to the plurality of participants assigned to the first account.” The Office Action asserts that the Hele-Heise combination discloses all the features of claim 2. However, neither Hele nor Heise, alone or in combination teach or suggest providing a participant level underwriting decision for each participant separately, based upon data related to the plurality of participants assigned to the first account. For this additional reason, claim 2 is patentable over the references.

Claims 6-10 and 21-24

Independent claim 6 recites “assigning each participant of the plurality of participants to a first account” and “assigning at least one of the plurality of participants also to a second account.” Claim 6 further recites “storing data related to the plurality of participants, the first account and the second account in a database comprising a data structure, said data structure comprising a customer entity class and an account entity class.”

The Office Action asserts that the Hele, Heise and the University of Arizona in combination disclose all the features of claim 6. However, neither Hele, Heise nor the University of Arizona alone or in combination teach or suggest “assigning at least one of the plurality of participants also to a second account.” Hele, Heise nor the University of Arizona, alone or in any combination do not teach or suggest a data structure that includes a customer entity class and an account entity class as claimed. Instead, Hele, at ¶¶ 0005 and 0046, describes pricing a life insurance policy for a user as a function dependent on an individual user profile. Hele, at ¶¶ 0055, 0059-0060 and Figure 4, describes a database server used to store answers in a user profile and underwriting rules for each carrier. Hele does not teach or suggest a data structure that includes a customer entity class and an account entity class. The Office Action concedes that Hele does not explicitly disclose assigning a plurality of participants to an account. The Office Action asserts that Heise teaches assigning a plurality of participants to an

account. However, Heise fails to fill the gap left by Hele. Heise, at ¶ 0023, indicates that the "system allows the plan designer to create and maintain a repository of customized groupings of plan participants." Nowhere does Heise teach or suggest that a plan or a grouping of participants is an account, let alone assigning a plurality of participants to an account. Heise clearly distinguishes an account from a plan. Thus, Heise does not teach or suggest a data structure comprising a customer entity class and an account entity class as claimed. The University of Arizona describes enrolling employees into plans. Nowhere does the University of Arizona teach or suggest assigning participants to a second account and nowhere does the University of Arizona teach or suggest that a plan is an account as claimed. Neither Hele, Heise nor the University of Arizona, alone or in any combination teach or suggest all the features of independent claim 6. Thus, independent claim 6 is patentable over Hele, Heise and the University of Arizona, alone or in any combination. For at least the same reasons regarding independent claim 6, dependent claims 7-10 and 21-24, which depend from claim 6, are patentable over the references.

Claim 7 recites "determining potential risk exposure of the first account at a participant level." Claim 9 recites "establishing a plurality of participants comprises establishing at least one of the plurality of participants having a plurality of insurance policies." Claim 10 recites "providing an underwriting decision for an account further comprises providing an underwriting decision based upon the plurality of participants assigned to the first account." For at least the independent features of claims 7, 9 and 10, and for the reasons above regarding independent claim 6, from which claims 7, 9 and 10 depend, dependent claims 7, 9 and 10 are patentable over the references.

Claim 8, as amended, recites "at least one of the plurality of participants represents a customer that owns a plurality of businesses." The Application, at ¶¶ 0113-0114 and Figures 24-25, describes joint ventures where companies with subsidiaries are participants, in other words, participants who own multiple businesses. The Office Action asserts that Hele, Heise and the University of Arizona in combination disclose all the features of claim 8. However, nowhere does Hele, Heise or the University of Arizona express even the slightest notion of "at least one of the plurality of

participants representing a customer that owns a plurality of businesses.” Thus, claim 8 is patentable over the references. For this additional reason claim 8 is patentable over the references.

Claim 21, as amended, recites “determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively, wherein the at least one participant having a plurality of insurance policies has a plurality of businesses including the first set of businesses.” Claim 22, as amended, recites “the plurality of insurance policies of the one participant having a plurality of insurance policies does not include a policy for the first set of businesses.” The Application, at ¶¶ 0100 and 0102, describes determining risk exposure of an account based on multiple businesses owned by a customer.

The Office Action asserts that Hele, Heise and the University of Arizona in combination disclose all the features of claims 21 and 22. However, Hele, Heise and the University of Arizona, alone or in any combination do not teach or suggest “determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively, wherein the at least one participant having a plurality of insurance policies has a plurality of businesses including the first set of businesses.” Instead, Hele, at ¶¶ 0043, 0055 and 0100, discloses a system and servers, including a business-to-business server, used to provide a user information from multiple insurance companies, carriers, products or lines indicating offered pricing. Hele at ¶ 0070 describes underwriting decisions based on the needs assessment of a user. Nowhere does Hele teach or suggest “determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively.” The Office Action concedes that Hele does not explicitly disclose at least one participant having a plurality of insurance policies. The Office Action asserts that the University of Arizona teaches a participant having a plurality of insurance policies and supplemental accounts to insurance accounts. However, Hele, Heise and the University of Arizona

alone or in any combination do not teach or suggest "determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively" and "at least one participant having a plurality of insurance policies has a plurality of businesses including the first set of businesses" as claimed. Thus, claims 21 and 22 are patentable over the references for the independently patentable features of claim 21 and 22, respectively.

Claim 23, as amended, recites "identifying at least one of the plurality of participants assigned to the first account as a former participant of a second account, wherein the former participant of the second account is no longer assigned to the second account, and wherein the former participant of the second account has the second set of businesses." In other words, ownership of a set of businesses is independent of the status of the owner as a former participant of an account. Claim 24 recites "providing an underwriting decision for an account further comprises providing an underwriting decision based upon the plurality of participants and a former participant of the first account who is no longer assigned to the first account." The Application at ¶¶ 0105 and 0115, indicates that the "data structure also allows an insurer to track all account activity through an account history" and describes determining risk exposure based on a previous account of a participant of a current account. The Application, at ¶¶ 0105 and Figure 20, illustrates a former participant of an account (e.g., a bad driver from a previous account).

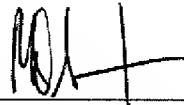
The Office Action asserts that Hele, the University of Arizona and Heise in combination with Perusse disclose all the features of claims 23 and 24. However, Hele, the University of Arizona, Heise and Perusse, alone or in any combination do not teach or suggest "identifying at least one of the plurality of participants assigned to the first account as a former participant of a second account." The Office Action concedes that Hele does not explicitly disclose "identifying at least one of the plurality of participants assigned to the first account as a former participant of a second account." Heise, Perusse and the University of Arizona, alone or in any combination fail to fill the gap left by Hele, because neither Heise, Perusse nor the University of Arizona teach or suggest

a "plurality of participants assigned to the first account." Thus, claims 23 and 24 are independently patentable over references.

Conclusion

In view of the above remarks, Assignee respectfully submits that this application is in condition for allowance and such action is earnestly requested. If for any reason the Application is not allowable, the examiner is requested to contact the Assignee's undersigned attorney at (312) 321-4200.

Respectfully submitted,



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